

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/L2005/000025

International filing date (day/month/year)
09.01.2005

Priority date (day/month/year)
12.01.2004

International Patent Classification (IPC) or both national classification and IPC
G08B31/00, G08B13/196, G07C9/00

Applicant
ELBIT SYSTEMS LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

De la Cruz Valera, D

Telephone No. +31 70 340-4541



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:
|

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 26-29

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 26-29
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-25
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

AP2003-01 PCT/PTO 10 JUL 2005

Re Item III.

The technical features delimiting these claims 26-29 are not clear according to Art. 6 PCT so as to make it possible to search for them. These claim merely refer back to the description and the illustrations, not exerting this mentioning any limitation to their content.

Re Item V.

1 Reference is made to the following document:

D1 : EP 1 369 351 A (DIEHL MUNITIONSSYSTEME GMBH & CO. KG) 10
December 2003 (2003-12-10)

2 INDEPENDENT CLAIMS

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT. Document D1 discloses (the references in parentheses applying to this document):

System for identifying a threat associated person among a crowd in a protected area (Par. 001), the system comprising:

- an expert system network, comprising a plurality of local expert systems each of said local expert systems (that is the different profile evaluators associated to a passenger, See par 007) being associated with a respective one of a plurality of surveillance fields within said protected area, each said local expert systems being coupled with a plurality of data acquisition systems of various types (that is the different sensors associated to a passenger. Col 2, line 12 "das vom Passagier ausgehende Sensorprofil"), each of said data acquisition systems acquiring threat related data and marking related data respective of selected persons among said crowd within said respective surveillance field, each said local expert systems determining a respective local threat level for every one of said selected persons within said respective surveillance field (Col. 1 Line 55-Col. 2, line 1), according to said threat related data and said marking related data;

D1 fails to disclose

a supervising system coupled with said expert system network, said supervising system coordinating the operation of said local expert systems, said supervising system receiving from each of said local expert systems said respective local threat level, for every one of said selected persons within said respective surveillance field, said supervising system determining a global threat level according to said local threat levels, thereby identifying said threat associated person.

This feature represents, though a mere generalisation of the analysis done for each passenger. Since no technical detail is given as to what a "global threat" corresponds to, the sole mentioning of the deployment of the system in D1 in an air plane (see Par. 001) would lead the person skilled in the art to coordinate the information, and thus the operation of the system, involving expert systems with data coming from the different passengers. A global threat level warning can correspond, then, to the triggering of an alarm in the cockpit due to one of the passenger local sensors systems deviating from the data expected as "normal"

The presence of inventive step cannot be concluded from this mentioned last feature, thus. The subject matter of the claim is therefore not inventive (Art. 33(3) PCT).

- 2.2. An analogous analysis would lead to the same result with regard to claim 12, method corresponding to the system in claim 1, which lacks inventive step Acc Art. 33(3) PCT.

3 DEPENDENT CLAIMS 2-11 and 13-25

Dependent claims 2-25 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

Re Item VI.

Certain published documents:

D1: US 2004/130620 A1 (BUEHLER CHRISTOPHER J ET AL) 8 July 2004 (2004-07-08)